

2009 DRAFTING REQUEST

Bill

Received: **10/13/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Laura.Rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

CDL occupational license clean up

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	agary 10/14/2009	bkraft 10/15/2009	phenry 10/15/2009	_____	mbarman 10/15/2009		
/1	agary 01/19/2010	bkraft 01/19/2010	mduchek 01/20/2010	_____	lparisi 01/20/2010	lparisi 01/20/2010	

FE Sent For:

<END>

↳ Not Needed

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for senate .
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FE Sent For:

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REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 10/2006 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue CDL occupational license clean-up	
Date Submitted September 15, 2008	Division Division of Motor Vehicles
Lead Division Contact Person Mitch Warren	Area Code - Telephone Number 608-266-1449
Specific Statutory Change 351.07	
Administrative Problem with Current Statute The Federal Motor Carrier Safety Improvement Act (MCSIA) of 1999 prohibited states from issuing occupational (hardship) licenses authorizing CDL classes. Wisconsin complied with MCSIA by prohibiting the issuance of CDL occupational licenses in 2003 Wisconsin Act 33. Current statute still makes reference to CDL occupational licenses in ss. 351.07(1m).	
Justification/Need for Change The reference to CDL occupational licenses in ss. 351.07 is obsolete and potentially misleading.	
Fiscal Effect, If Any None	

Lynne B. Judd

(Division Administrator Signature – Brush Script Font If Computer Filled)

September 15, 2008

(Date)

OPBF Completes: DOT Remedial Legislation Proposal Number
R 0911-01



seen

lbjk

in 10/14

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
x-ref

- 1 AN ACT ^{gen.} relating to: motor vehicle occupational licenses issued by the
2 Department of Transportation (suggested as remedial legislation by the
3 Department of Transportation).

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions and limitations, a person may apply to the Department of Transportation (DOT) for an occupational license if the person's operating privilege is revoked or suspended for various specified offenses and the person is engaged in an occupation or trade, including study or homemaking, making it essential that he or she operate a motor vehicle. However, DOT may not issue an occupational license authorizing the operation of a commercial motor vehicle.

This bill clarifies current law by repealing a provision indicating that the holder of an occupational license may apply for authorization to operate commercial motor vehicles.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of

the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 351.07 (1m) of the statutes is repealed.

SECTION 2. 351.07 (2) of the statutes is amended to read:

351.07 (2) Upon conviction of a person who is issued an occupational license as provided by sub. (1) ~~or (1m)~~ of 2 offenses under s. 351.02 (1) (b) committed within one year following issuance of the occupational license or of one offense under s. 351.02 (1) (a) or 4 offenses under s. 351.02 (1) (b) committed within 3 years following issuance of the occupational license, the secretary shall proceed under s. 351.025.

History: 1983 a. 525; 1985 a. 71; 1987 a. 403; 1989 a. 105; 1995 a. 269; 1997 a. 35; 2001 a. 109; 2003 a. 33.

(END)

Gary, Aaron

From: Rose, Laura
Sent: Monday, January 18, 2010 11:55 AM
To: Gary, Aaron; Mueller, Eric
Subject: DOT law revision drafts

Attachments: SECTION Notes to LRB 3666.doc; SECTION Notes lrb 3717.doc; SECTION NOTES LRB 3685.doc; SECTION NOTES LRB 3667.doc; SECTION NOTES.3670.doc; SECTION NOTES 3665.doc

Hi Aaron and Eric,

I'm attaching the SECTION notes that should be included in the DOT remedial drafts approved for introduction by the Law Revision Committee (LRBs 3666, 3717, 3685, 3667, 3670, and 3665).

Could you please draft these drafts as Senate bills, for introduction by the Law Revision Committee, and include the notes? Please give me a call if you have any questions.

Thank you!

Laura



SECTION Notes to LRB 3666.doc ... SECTION Notes lrb 3717.doc (23... SECTION NOTES LRB 3685.doc (23... SECTION NOTES LRB 3667.doc (24... SECTION.3670.doc (23 KB) SECTION NOTES 3665.doc (24 KB)...

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

(Seer)

LRB-3670

ARG:bjk:ph

in 1/19

stays

(rmr)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPSs: I have the LC Note in Word.

Let me know if you want it. Thx. Aaron

SA

Insert

regm.

- 1 **AN ACT to repeal** 351.07 (1m); and **to amend** 351.07 (2) of the statutes; **relating**
2 **to:** motor vehicle occupational licenses issued by the Department of
3 Transportation (suggested as remedial legislation by the Department of
4 Transportation).

Analysis by the Legislative Reference Bureau

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Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

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2 **SECTION 2.** 351.07 (2) of the statutes is amended to read:

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4 as provided by sub. (1) ~~or (1m)~~ of 2 offenses under s. 351.02 (1) (b) committed within
5 one year following issuance of the occupational license or of one offense under s.
6 351.02 (1) (a) or 4 offenses under s. 351.02 (1) (b) committed within 3 years following
7 issuance of the occupational license, the secretary shall proceed under s. 351.025.

(END)

8
Insert
2-7

Received from LC

SECTION NOTES: LRB 3670/P1

CS

bill

NOTE (C) AA

Place after SECTION 2. Both federal and state laws prohibit the issuance of occupational licenses for the operation of commercial motor vehicles. This ~~draft~~ repeals a section of current law that was not repealed when this change to state law was made in 2003 Wisconsin Act 33.

Insert
2-7

Please use
note: s+d
component.